THE HON'BLE MS. JUSTICE G. ROHINI

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WRIT PETITION No. 13393 of 2004

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DATED: 24-11-2005

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Between:

1. K. Anjaiah and others ……Petitioners

AND

1. The Divisional Co-op. Officer,

Golkonda Division, Hyderabad.

and two others

….Respondents

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THE HON'BLE MS. JUSTICE G. ROHINI

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WRIT PETITION No. 13393 of 2004

ORDER:

When the miscellaneous petitions are listed for consideration on a request made by the learned Counsel for both the parties, the main writ petition itself is heard and decided.

The petitioners, 10 in number, are the elected President and members of the Managing Committee of the 3rd respondent-Society. By order dated 20.05.2004, the first respondent herein superseded the Managing Committee under Section 34 (1) of the A.P. Co-Operative Societies Act and appointed a Special Officer to manage the day-to-day affairs of the Society. It is not in dispute that before passing the said order, a show cause notice was issued and after considering the explanation, the order of supersession was passed. Aggrieved by the said order, the petitioners preferred C.T.A.No.103 of 2004 before the A.P. Co-Operative Tribunal, Hyderabad. Having entertained the said appeal, initially, the Tribunal by order dated 31.05.2004 granted stay of operation of the order of supersession. However, subsequently, the said order was vacated by order, dated 22.07.2004, which is under challenge in this writ petition.

On a perusal of the impugned order it appears that the interim order was vacated mainly on the ground that the order dated 31.05.2004 granting interim stay was not a speaking order.

Having heard the learned Counsel for both the parties and having regard to the fact that the statutory appeal is pending before the Tribunal, I am not inclined to express any opinion as to the correctness of the allegations against the petitioner much less as to the sustainability of the order of supersession. It is for the Tribunal to consider all the grounds that are raised in the Appeal and to pass appropriate orders in accordance with law.

It is relevant to note that by virtue of the interim orders of this Court, the order of supersession remained suspended and the petitioners are continuing in the Office as on today. In the circumstances, I deem it appropriate to dispose of the writ petition with a direction to dispose of C.T.A. No. 103 of 2004 on the file of the A.P. Co-Operative Tribunal, Hyderabad as expeditiously as possible preferably within a period of six weeks from the date of receipt of a copy of this order, uninfluenced by any of the findings/observations recorded in the impugned order. Till such time, the order of supersession, dated 20.05.2004 shall not be given effect to. No costs.

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24.11.2005

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